

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4, 7, 10, 13 and 16 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-24 are now pending in this application.

Claim Rejections under 35 U.S.C. § 102

Claims 1-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,062,294 (“Rogard”). In response, without agreeing or acquiescing to the rejection, Applicants have amended independent claims 1, 4, 7, 10, 13 and 16. Further, Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Applicants respectfully submit that Rogard does not describe each and every element of the claims.

Independent claim 1 is directed to a “radio cell station apparatus” wherein “one or more reference signals, each being a signal train consisting of a plurality of bits included in a communication signal” is defined in said radio cell station apparatus. Independent claims 4, 7, 10, 13 and 16 recite similar limitations.

For the aid of the Examiner in understanding the claims, Applicants refer the Examiner to a non-limiting exemplary embodiment described in the specification as filed with respect to FIGS. 1 and 2. FIG. 2 shows the table of an optimal unique word pattern

adapted to each number of multiplexed connections held in storage unit 50 in FIG. 1. According to an embodiment, the unique word pattern optimal for each number of multiplexed connections is determined by selecting from a randomly generated 16-bit or 32-bit signal train. This results in a bit pattern with an excellent autocorrelation characteristic and results in a low cross-correlation characteristic between patterns.

In contrast, Rogard does not disclose, teach or suggest each and every element recited in independent claims 1, 4, 7, 10, 13 and 16.

Rogard is directed to a data communication system with a smart antenna system and a user terminal. Rogard et al. discloses that the base station is used to transmit a signal to one or more of the remote units in a manner that effectively provides a directional signal pattern (col. 6 lines 4-14). Specifically, Rogard et al. discloses that various versions of a signal to be transmitted to a remote terminal by weighting the signal in amplitude and phase according to a set of downlink weighting parameters (col. 6 lines 15-34).

The Office Action asserts that the base station of Rogard corresponds to the claimed radio cell station apparatus. In addition, the Office Action asserts that the base station receives one or more reference signals and that spatial processor 208 of the base station somehow defines these received signals. However, Rogard only discloses that the spatial processor 208 “performs uplink spatial processing.” *See* Col. 5, line 67. Further, as can clearly be seen in Figs. 2 and 3 of the subject application, “a reference signal allocation unit” in amended claim 1 is configured to switch the allocated reference signal being a signal train consisting a plurality of bits included in a communication signal to a reference signal suitable for the changed number of multiplexed connections. Accordingly, Rogard fails to disclose, teach or suggest “one or more reference signals, each being a signal train consisting of a plurality of bits included in a communication signal” being defined in the radio cell station apparatus.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*,

910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Rogard fails to disclose each and every limitation in as complete detail as is contained in amended independent claims 1, 4, 7, 10, 13 and 16.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 1, 4, 7, 10, 13 and 16 be allowed. Further, claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15 and 17-24 depend from one of claims 1, 4, 7, 10, 13 or 16 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Rogard.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

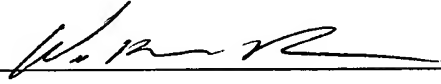
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 4/8/10

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874

W. Keith Robinson
Attorney for Applicant
Registration No. 59,396